



# Public Notice

**US ARMY CORPS  
OF ENGINEERS**  
St. Louis District  
**Gateway to Excellence**

**Reply To:**  
**U.S. Army Corps of Engineers**  
**Attn: Regulatory Branch**  
**1222 Spruce Street**  
**St. Louis, Missouri 63103-2833**

Public Notice No.  
**P-2657**  
Public Notice Date  
January 14, 2008  
Expiration Date  
February 4, 2008

**Postmaster Please Post Conspicuously Until:**

File Number: 2005-45135

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in a water of the United States, as described below and shown on the attached maps.

**COMMENTS AND ADDITIONAL INFORMATION:** All comments and/or requests for public hearing must reach this office no later than the expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
Regulatory Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Mr. Shawn Sullivan

**APPLICANTS:** Wilmer Road Holding, L.L.C., Attn: Mr. Mark Roden, 7800 Highway N, O'Fallon, Missouri, 63366. (636) 561-3947

Greenway Network, Inc., Attn: Ms. Charlene Waggner, College Center Suite 202 Room E, 4601 Mid Rivers Mall Dr., St. Peters, Missouri, 63376. (636) 379-6333

**AGENT:** Brookside Environmental Services, Attn: Mr. Gerry Boehm, 6 Brook Lane, O'Fallon, Missouri 63368-8119. (636) 614-2698

**LOCATION:** The proposed stream mitigation bank is located east of Wilmer Road approximately 1-mile south of Wentzville, Missouri. More specifically, the project area is located in the Northwest ¼ of Section 36, Township 47 North, Range 01 East, St. Charles County, Missouri.

**PROJECT DESCRIPTION:** Applicants seek approval from the Mitigation Bank Review Team (MBRT) composed of representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Missouri Department of Natural Resources (MDNR), and Missouri Department of Conservation to establish a stream mitigation bank along 5,750 linear feet of Peruque Creek. Mitigation credits will be generated from environmental improvements conducted along the stream reaches. The migration credits will be available for sale on an incremental basis as



mitigation bank goals are achieved. The mitigation bank sponsors are developing the mitigation bank with the intent to sell the mitigation credits to recipients of Section 404 Permits who are required to compensate for unavoidable environmental impacts to waters of the United States. Specifically, the waters of the United States that will be compensated at the proposed bank include creeks and tributaries of ephemeral, intermittent, and perennial types. Upon request, a copy of the Mitigation Banking Prospectus is available for review in our office.

If approved by the MBRT, the Mitigation Bank would assist in improving the chemical, physical, and biological integrity of the Peruque Creek watershed. These particular reaches of Peruque Creek are identified on the 2002 Section 303(d) list as being impaired by non-volatile suspended solids. The mitigation bank when fully completed will contain a total of 42.0 acres of restored, enhanced, and site protected creek channel and associated riparian buffer. The mitigation bank will provide Section 404 Permit applicants with an additional option for compensating impacts that occur within the geographic service area of the bank. The geographic service area is proposed to consist of the Missouri Central Plains/Cuivre/Salt Ecological Drainage Units (EDU). EDU's are combined watersheds containing aquatic assemblages that are relatively similar and were established by research done and incorporated into a Geographic Information System by the Missouri Resource Assessment Partnership. The MBRT has accepted EDU's as the basis for hierarchal service areas within the state of Missouri, but the corresponding EDU identified on sheet 3 has been limited to the boundaries of the St. Louis District, Regulatory Branch. However, the Corps may deem impact areas outside the EDU to be appropriately mitigated at the proposed bank, on a case-by-case basis. This mitigation bank proposal does not preclude any Section 404 permit applicant who intends or is required to use the mitigation bank from complying with Clean Water Act Section 404(b)(1) Guidelines, the National Environmental Policy Act, and our evaluation of probable impacts on public interest. Likewise, the U.S. Army Corps of Engineers is committed to determining compensatory mitigation through the implementation of current Regulatory Guidance and best professional judgment to consider on-site or within the immediate sub-watershed mitigation opportunities first, when impacts to waters of the United States cannot be practicably avoided or further minimized.

**LOCATION MAPS AND DRAWINGS:** See attached maps.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Shawn Sullivan, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8580. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [Shawn.F.Sullivan@usace.army.mil](mailto:Shawn.F.Sullivan@usace.army.mil).

**AUTHORITY:** Section 404 of the Clean Water Act (33 U.S.C. 1344).

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

**ENDANGERED SPECIES:** A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.



**CULTURAL RESOURCES:** The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

**EVALUATION OF PROBABLE IMPACTS:** The decision whether to authorize the bank sponsors to enter into an agreement with the Corps and MBRT will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

**SOLICITATION OF COMMENTS FROM THE PUBLIC:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.











Sheet 3 of 3  
P-2657  
File# 2005-45135

Missouri Central Plains/Cuivre/Salt  
Ecological Drainage Unit  
(within St. Louis USACE district)

Peruque Creek Stream Mitigation Bank  
St. Charles County, Missouri  
Map adopted from St. Louis District USACE Web Site

**BROOKSIDE**  
ENVIRONMENTAL SERVICES  
6 Brook Lane, O'Fallon, Missouri 63368  
phone: 636-614-2698 \* fax: 636-352-2085

